

# DALTON POLICE DEPARTMENT

	<i>Effective Date</i> <b>August 1, 1998</b>	<i>Number</i> <b>GO98-4.4</b>
<i>Subject</i> <b>Conducting Interviews and Interrogations</b>		
<i>Reference</i> <b>CALEA Standards – 1.2.3, 42.2.1, 42.2.8, 44.2.2, 44.2.3</b>		<i>Revised</i> <b>November <del>27, 2018</del> 17, 2020</b>
<i>Distribution</i> <b>All Personnel</b>	<i>Re-evaluation Date</i> <b>November <del>2020</del> 2022</b>	<i>No. Pages</i> <b>7</b>

## I. Policy

It is the policy of the Dalton Police Department to maintain the highest ethical standards and adhere to all constitutional guidelines when conducting investigative interviews and interrogations.

## II. Definitions

- A. *Interviews* – Question sessions with persons who are ready and willing to relate facts or information, which are relevant to **police law enforcement** investigations.
- B. *Interrogations* – Question sessions with persons who are unwilling or reluctant to relate what they know of interest to **police law enforcement** in an investigation.
- C. *Custody* – Custody exists when an Officer tells a person that he / she is under arrest or when a “reasonable person” under the same circumstances would believe that his / her freedom of action has been restricted to the same degree as would a formal arrest.
- D. *Investigatory Stop (Field Interview)* – The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion, for the purposes of determining the individual’s identity and resolving the Officer’s suspicions concerning criminal activity.

## III. Confessions / Admissions

No attempt **will shall** be made to obtain a confession or admission by force, threats, or promises. Whether an accused person or a suspect will cooperate is left entirely up to that individual. If the accused person or suspect indicates at any time that **they he / she** wants an attorney present, all interrogation must cease. Any confession or admission induced by the Officer "by the slightest hope of benefit or remotest fear of injury" **will shall** not be admissible in court (O.C.G.A. 24-8-824).

## IV. Procedure

- A. **Interviews:** When conducting an interview, it is the **Police** Officer's or Investigator's job to help the interviewee to recall and relate the relevant facts accurately and completely. Potential interviewees should be separated.
- B. **Interrogations:** When conducting an interrogation, it is the **Police** Officer's or Investigator's job to induce reluctant and / or unwilling persons being questioned to become cooperative and help them to recall and relate the relevant facts accurately and completely.
- C. **Preparation:** It is important to prepare for the interview or interrogation before the questioning session starts.
1. Know as much as possible about the crime, incident, or accident ~~you are working on~~ that is being investigated.
  2. Know as much as possible about the person ~~you are~~ that is to be questioned.
  3. Provide for privacy.
  4. Eliminate distractions.
  5. Set aside sufficient time to complete the questioning.
- D. Use of Language Interpreters
1. When possible, ~~police~~ Department interpreters should be used in interviews and interrogations.
  2. If non-law enforcement interpreters are used, they shall be made aware of the legal safeguards, which must be adhered to during interviews and interrogations.
  3. The Officer / Investigator should provide the interpreter with background information on the case.
  4. The interpreter ~~must~~ shall be advised that he / she will be required to testify in court concerning the interview / interrogation if the case goes to trial and should document the events of the interview.
  5. The interviewee shall be told that he / she is being questioned by the Officer / Investigator and not the interpreter and should direct his / her statements to the Officer / Investigator.
  6. In interrogations where Miranda Warnings are required, the warning should be read and explained, if necessary, in the language of the interviewee. In the event that the interviewee also speaks English, the warning should be read and explained, if necessary, in both languages.

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7. Any written statement obtained from a witness or suspect should be written by the subject in his / her native language and witnessed by the interpreter. The interpreter shall translate the statement into English.

E. Conducting Interviews or Interrogations

1. All interviews and interrogations of complainants, victims, suspects, and witnesses are designed to produce answers to specific questions.
2. There are six basic areas of questioning. They are:
  - a. Who
  - b. What
  - c. When
  - d. Where
  - e. Why, and
  - f. How the incident occurred
3. Whenever possible, questions should be preplanned and appropriate to the incident being investigated.
4. Prior to questioning, the interviewer / interrogator should determine if the interview or interrogation is custodial, according to the definition in Section II of this policy. If custody exists then the Miranda warning ~~will~~ shall be read from either a Department-issued card or a Department-approved Miranda form.
5. All criminal investigation interviews and interrogations conducted at the ~~Dalton Police Department~~ Police Services Center shall ~~will~~ be recorded utilizing the audio / video equipment installed in the interview rooms or an alternate source if the installed equipment fails.
6. When the interview rooms are utilized by Officers / Investigators for interviews or interrogations, the following procedures shall be followed:
  - a. The Officer / Investigator shall maintain control of his / her Departmentally-approved weapon(s) in an authorized holster.
  - b. Prior to usage, the interview room shall be searched for weapons and / or contraband .
  - c. If the interview or interrogation involves an individual that is already in custody:

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- (1) The arrestee shall be searched prior to entering the interview room.
  - (2) Handcuffs may be removed at the discretion of the Officer / Investigator conducting the interview / interrogation.
  - (3) Only one (1) arrestee at a time shall be in the interview room.
- d. The number of personnel allowed in the interview room should be kept to a minimum. Typically, this should be no more than two (2) Officers / Investigators and the person being interviewed / interrogated. Special circumstances may require a parent, guardian, or legal representative to also be present. Ultimately, it will be up to the **primary lead** Officer / Investigator to make the decision as to who may be present.
  - e. The Officer / Investigator may summon for assistance by activating the duress button mounted on the wall of the interview room.
  - f. The room shall be equipped with a table and enough chairs to accommodate the individuals in the room. Any other items in the interview room shall be at the discretion of the Officer / Investigator conducting the interview / interrogation.
  - g. All individuals shall be afforded an opportunity to address their personal needs during an interview / interrogation. It will be at the Officer / Investigator's discretion when a break will be conducted. All individuals being interviewed / interrogated who wish to utilize the facilities (restrooms, water, etc.) shall be escorted by an Officer / Investigator at all times within any secured area of the Police **Department Services Center**.

**7.6.** For In-Custody Interviews / Interrogations:

- a. The Officer / Investigator shall ensure that the suspect understands both **their his / her** right to remain silent and **their his / her** right to an attorney and knowingly and voluntarily waive both rights prior to questioning.
- b. If the suspect invokes one or both of his / her Miranda rights at any time, the Officer / Investigator shall note which right(s) have been invoked and shall not proceed with any questioning. If an interview / interrogation is being conducted at an outside facility, the Officer / Investigator shall advise the detention Supervisor if a suspect has invoked his / her right to an attorney.

**8.7.** A suspect who has previously invoked his / her rights under Miranda may only be interviewed if:

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- a. The suspect's attorney is present, or
- b. The suspect initiates a new contact with the police

A Miranda Waiver is then required

~~9.8.~~ Suspects who have previously invoked their right(s) under Miranda but have had at least a fourteen (14) day break in custody, as outlined in Maryland v. Shatzer U.S. 08-680 (2010), may be re-approached and requested again to participate in an interview or interrogation. A Miranda warning and waiver (as outlined in IV, E, 8 of this directive) is then required.

~~10.9.~~ If custody does not exist then Miranda does not apply. The following represent examples of situations that are not "custodial" and do not require a Miranda warning:

- a. Investigatory stop ~~and frisk~~ / investigative detention
- b. Questioning during a traffic stop for minor traffic violations and D.U.I. stops
- c. ~~During~~ Routine questioning at incidents or crime scenes when the person is not in custody
- d. ~~During~~ Voluntary appearances at the Police Services Center

~~11.10.~~ During the question session, the Officer / Investigator should be alert to verbal, as well as non-verbal, responses to the questions.

#### F. Documentation

- 1. In-custody interrogation sessions must comply with Miranda v. Arizona and the waiver ~~shall be~~ signed, if possible.
- 2. Officers should record the interview or interrogation by audio or video when they are conducted away from the Police Services Center.
- 3. Obtain signed statements, whenever possible.
- 4. Whenever a confession or admission to a crime is obtained, it should be recorded and entered into evidence and appropriate ~~police~~ action taken.
- 5. All waivers, statements, ~~and~~ audio and / or video recordings pertaining to criminal investigations shall be placed into ~~the~~ Property and Evidence ~~Section~~ or stored on the Departmental interview server and shall be maintained, as needed, for the prosecution resulting from such investigations.

#### V. ~~Field Interviews~~ Investigatory Stops

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- A. Investigatory stops, also referred to as field interviews, are an important aspect of preventative patrol. Agency Department personnel shall not use any type of bias-based profiling or illegal discrimination while making field contacts.
- B. Officers should conduct an ~~field-interview~~ investigatory stop whenever they observe persons who do not fit the area or the time of day, persons acting in a suspicious manner, and those who are loitering for no apparent reasons. Some of the factors to be considered are:
  - 1. Person(s) wearing unusual clothing for the weather and / or exhibiting unusual behavior
  - 2. The area the person(s) is in
  - 3. The time of day
  - 4. Recent criminal activity in the area
- C. Whenever an Officer conducts an ~~field-interview~~ investigatory stop, the Officer ~~should~~ shall complete a Field Interview Report in the Records Management System.

## VI. Juvenile Interrogations and Non-Custodial Interviews

- A. Interviews and interrogations of juveniles shall be conducted with consideration of the juvenile's age, mental state, and other factors or influences experienced by the juvenile.
- B. When conducting an interrogation of a juvenile offender, the investigating Officer ~~should~~ shall adhere to the following procedures:
  - 1.A. Notify the juvenile of his or her Constitutional rights and, if at all possible, in the presence of and with the permission of the juvenile's parents or legal guardians. If the Officer is unable to contact the parent or legal guardian within a reasonable amount of time, the Officer ~~should~~ shall exercise due ~~cautions~~ care to comply with Constitutional standards and ~~GA Code Section 15-11~~ chapter 11 of Title 15 of the Official Code of Georgia Annotated when interrogating juvenile offenders.
  - 2.B. It is the Officer's responsibility to ensure that the juvenile fully understands his / her rights. The Officer shall explain the rights so that they are easily understood. The Officer must clearly articulate how the Officer knew the juvenile understood his / her rights and explain this in court, if necessary.
  - 3.C. If, prior to or during questioning, the juvenile or his / her parents or legal guardian requests to speak with an attorney, all questioning ~~will~~ shall cease and ~~will~~ shall not be renewed until an attorney has been secured and the attorney allows the questioning to continue.

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- 4.~~D.~~ The investigating Officer should explain the juvenile justice system to the juvenile offender being interrogated and to the parents or guardians, if present.
- 5.~~E.~~ The interrogation of juveniles ~~should~~ shall not extend over periods of time that could be considered unreasonable or harassing. Limit the number of interrogating Officers to no more than two (2), and keep the time duration to two (2) hours or less without going on a break between sessions. Juveniles shall not be interrogated for longer than four (4) hours, unless authorized by a Supervisor.
- C. When conducting non-custodial interviews of juveniles, the interviewing Officer shall adhere to the following:
1. If the interview must be conducted at the school where the juvenile is attending class, the proper school administrators and School Resource Officer shall be notified.
  2. If it is determined that the interview with a juvenile should take place in the interview room at the Police Services Center, the juvenile's parents and or legal guardians shall be notified prior to transporting the juvenile from any other location.
  3. All rights and protections afforded to adult victims, witnesses, and suspects shall be afforded to juvenile victims, witnesses, and suspects.

*This policy supersedes any previous policies issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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